

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 1, 2004**

Holiday.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 2, 2004**

E033045 People v. Moses Ramirez

Opinion

Judgment affirmed.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 5, 2004**

E032958 People v. Michael Jerome Harris

Opinion

Judgment affirmed.

King, J.

We concur: Ramirez, P.J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 6, 2004**

Court convened at 8:30am

Panel 1a

Present:

Ramirez, P.J.

Richli, J.

Gaut, J.

Yolanda Burns, Deputy Clerk

E033146 People v. Lance H. Le

E034469 In re Lance H. Le on Habeas Corpus

Merits. Cause called and Philip Kent Cohen, Esq., appeared for appellant; Rhonda L. Cartwright-Ladendorf, Deputy Attorney General, appeared for respondent. Matter taken off calendar.

Court recessed.

Court reconvened.

Panel 1b

Present:

Ramirez, P.J.

Ward, J

Gaut, J.

Yolanda Burns, Deputy Clerk

E033050 People v. Joaquin Miguel Quintanilla

Merits. Cause called and Richard L. Schwartzberg, Esq., argued for appellant; Elizabeth S. Voorhies, Deputy Attorney General, argued for respondent. Cause submitted.

E030988 Robert Del Castillo v. Albert Del Castillo; Patricia Lobello

Merits. Cause called and Robert James Skousen, Esq., argued for appellant; Maureen M. Muratore, Esq., argued for respondent, Robert Castillo. Margaret G. Lodise, Esq., argued for respondent, Patricia A. Lobello. Cause submitted.

E033515 Bighorn-Desert View Water Agency v. Sharon Beringson et al;
Merits. Cause called and Eric Allen Grant, Esq., argued for appellant; James Ciampa Esq., argued for respondent. Janet Morningstar, Esq., argued for amicus curiae Association of California Water Agencies. Cause submitted.

Court recessed.

Court reconvened.

Panel 1c

Present:

Ramirez, P.J.

Gaut, J.

King, J.

Yolanda Burns, Deputy Clerk

E032808 People v. Dustin W. Lowery

Merits. Cause called and Richard V. Myers, Esq., argued for appellant; Susan E. Miller, Deputy Attorney General, argued for respondent. Cause submitted.

E033767 In re Adam R., a Person Coming Under the Juvenile Court Law

Department of Public Social Services v. John R.

Merits. Cause called and Donna Powell Chirco, Esq., argued for appellant; Julie A. Koons, Deputy County Counsel, argued for respondent; Richard Pfeiffer, Esq., argued for the minor.

E032848 Scott M. Rich v. Lawrence J. Canale

Merits. Cause called and Michael G. Kerbs, Esq., argued for appellant; Duke D. Rouse, Esq., argued for respondent. Cause submitted.

Court adjourned.

E034171 In re Suzanna L., a Person Coming Under the Juvenile Court Law.

Alan W. v. Edward L.

Opinion

Judgment reversed.

Ward, J.

We concur: McKinster, Acting P.J., Richli, J.

E032928 People v. Hector Hugo Aburto

Opinion

Judgment affirmed.

Gaut, J.

We concur: Ramirez, P.J., King, J.

- E033512 John R. Heckenlively v. David Storey Opinion
 Judgment affirmed in part and reversed in part.
 King, J.
 We concur: McKinster, Acting P.J., Richli, J.
- E033200 Henry Luzuriaga et al. v. County of Riverside et al. Opinion
 Judgment affirmed.
 Gaut, J.
 We concur: Richli, Acting P.J., King, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 7, 2004**

Court convened at 8:30am

Panel 3

Present:

Ramirez, P.J.

Hollenhorst, J.

McKinster, J.

Kelly Conn, Deputy Clerk

E032414 Beverly Morgan v. City of Chino

Merits. Cause called and Daniel P. Barer, Esq., argued for appellant; Richard Pech, Esq., argued for respondent. Cause submitted.

E032880 Sunset Drive Corp v. City of Redlands et al.

Merits. Cause called and Howard B. Golds, Esq., argued for appellants; John B. Wallace, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel A

Present:

Hollenhorst, Acting P.J.

Ward, J.

Gaut, J.

Kelly Conn, Deputy Clerk

E032765 Joan B. Fitzsimons v. John P. McDowell et al.

Merits. Cause called and Thomas M. Davis, Esq., argued for appellants; Craig Gross, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 3a
 Present:
 Richli, Acting P.J.
 Gaut, J.
 King, J.
 Kelly Conn, Deputy Clerk

E033453 Fireman's Fund Insurance Company v. Sparks Construction Co.

Merits. Cause called and Bruce Neill Graham, Esq., argued for appellant; John J. Higgins, Esq., argued for respondents. Cause submitted.

E031832 Joseph Parsons v. DePuy Orthopedics Inc.

Merits. Cause called and Harold W. Potter, Esq., argued for appellant; J.E. Holmes, Esq., argued for respondents. Cause submitted.

E032334 Agop Gozukara et al. v. Ford Motor Company

Merits. Cause called and Charles B. O'Reilly, Esq., argued for appellants; Garo Mardirossian, Esq., appeared for appellant, Catherine Gozukara; Marc L. Turman, Esq., argued for respondent. Cause submitted.

**E030845 Michael Schwab et al. v. Southern California Gas Company et al.;
 B & Sons Construction, Inc.**

Merits. Cause called and David B. Roper, Esq., argued for appellant; Brian F. Zimmerman, Esq., argued for respondent, Michael Schwab et al.; Jacob M. Slania, Esq., argued for respondent, Southern California Gas Company; Kingsley Hines, Esq., argued for respondent, Southern California Edison Company; Jules Solomon Zeman, Esq., argued for respondent, City of San Jacinto. Cause submitted.

Court adjourned.

E032616 People v. Anthony Eugene Brown et al.

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 8, 2004**

- E034348 In re Gerrad V., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Dina V. Opinion**
Judgment affirmed.
McKinster, Acting P.J.
We concur: Ward, J., Gaut, J.
- E033050 People v. Joaquin Miguel Quintanilla Opinion**
Judgment affirmed.
Ward, J.
We concur: Ramirez, P.J., Gaut, J.
- E033453* Fireman's Fund Insurance Company v. Sparks
Construction Inc., et al. Opinion**
Judgment reversed.
Richli, Acting P.J.
We concur: Gaut, J., King, J.
*CERTIFIED FOR PARTIAL PUBLICATION
- E032991 Estate of Gary T. Ratchford, Deceased.
Harry A. Price et al. v. David Miller Opinion**
Judgment affirmed.
King, J.
We concur: McKinster, Acting P.J., Richli, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 9, 2004**

- | | | |
|----------------|---|----------------|
| E032334 | Agop Gozukara et al. v. Ford Motor Company
Judgment affirmed.
Gaut, J.
We concur: Richli, Acting P.J., King, J. | Opinion |
| E034655 | John R. v. Riverside County Superior Court;
Department of Public Social Services
Petition Denied.
McKinster, Acting P.J.
We concur: Richli, J., King, J. | Opinion |
| E032296 | People v. Michael Patrick Dykes
Judgment affirmed.
McKinster, Acting P.J.
We concur: Richli, J., Ward, J. | Opinion |
| E031832 | Joseph Parsons v. DePuy Orthopedics, Inc.
Judgment affirmed.
Gaut, J.
We concur: Richli, Acting P.J., King, J. | Opinion |
| E032808 | People v. Dustin W. Lowery
Judgment reversed in part and remanded for resentencing; affirmed in part.
Gaut, J.
We concur: Ramirez, P.J., King, J. | Opinion |
| E034211 | People v. Eric Antonio Williams
Judgment affirmed.
McKinster, Acting P.J.
We concur: Richli, J., Ward, J. | Opinion |
| E033767 | In re Adam R., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. John R.
Judgment reversed.
King, J.
We concur: Ramirez, P.J., Gaut, J. | Opinion |

E033057 People v. Jacob Lee Spencer

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 12, 2004**

**E034590 James G. v. The Superior Court of the County of San Bernardino;
Department of Children's Services Opinion**

Petition denied.

McKinster, Acting P.J.

We concur: Richli, J., Ward, J.

E032765 Joan B. Fitzsimons, as Trustee etc. v. John P. McDowell et al. Opinion

Judgment reversed with directions.

Gaut, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

**E034627 University of La Verne v. The Superior Court of the County of San
Bernardino; Jeff Grotke**

Real Party in Interest's petition for rehearing is DENIED.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 13, 2004**

- E034408 People v. Earl Wayne Bryant Opinion**
Judgment affirmed.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Gaut, J.
- E033515* Bighorn-Desert View Water Agency v. Sharon Beringson et al;
 E.W. Kelley Opinion**
Judgment affirmed.
Gaut, J.
We concur: Ramirez, P.J., Ward, J.
*CERTIFIED FOR PUBLICATION
- E034166 People v. Steven Emilio Vega Opinion**
Judgment affirmed.
McKinster, Acting P.J.
We concur: Richli, J., King, J.
- E034236 People v. John William Hein, Jr. Opinion**
Judgment affirmed.
McKinster, Acting P.J.
We concur: Richli, J., King, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 14, 2004**

- E034361 In re Erica W. et al., Persons Coming Under the Juvenile Court Law.
Department of Public Social Services v. Angela W. Opinion
Judgment affirmed.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Richli, J.
- E033971 In re Raena L., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Stephen L. Opinion
Judgment affirmed.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Richli, J.
- E032791 People v. Kenneth Michael Kelly Opinion**
Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: Richli, J., King, J.
- E034210 People v. Louis D. Simpson Opinion
Judgment affirmed.
McKinster, J.
We concur: Ramirez, P.J., King, J.
- E034364 People v. Brian Kenneth Middleton Opinion**
Judgment affirmed.
McKinster, J.
We concur: Ramirez, P.J., King, J.
- E034160 People v. Ricky Lynn Thomas Opinion**
Judgment affirmed.
McKinster, J.
We concur: Hollenhorst, Acting P.J., King, J.

E034820 Alex G. v. Superior Court; Department of Public Social Services

Petition denied.

Opinion

Richli, J.

We concur: Hollenhorst, Acting P.J., King, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 15, 2004**

- | | | |
|----------------|---|----------------|
| E033626 | Jerry Todd Martell et al. v. Superior Court County of San Bernardino; Sheryl Bates | Opinion |
| | Petition Granted.
Richli, Acting P.J.
We concur: Ward, J., King, J. | |
|
 | | |
| E032384 | People v. George Vizcarra | Opinion |
| | Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: Richli, J., King, J. | |
|
 | | |
| E033790 | People v. James Dixon Heslep | Opinion |
| | Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: Richli, J., King, J. | |
|
 | | |
| E033530 | People v. Jerry Julio Beas | Opinion |
| | Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: Richli, J., King, J. | |

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 16, 2004**

**E034576 Mekeda J. v. Superior Court County of San Bernardino; Department of
Children's Services Opinion**

Petition Denied.

McKinster, .J.

We concur: Ramirez, P.J., Gaut, J.

E034161 People v. David Turrón Upton Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 19, 2004**

Holiday.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 20, 2004**

E032848 Scott M. Rich v. Lawrence J. Canale

Opinion

Judgment affirmed.

King, J.

I concur: Ramirez, P.J.,

I concur and dissent: Gaut, J.

**E030845* Michael Schwab et al. v. Southern California Gas Company et al. ;
 B & Sons Construction, Inc.**

Opinion

Judgment affirmed in part, reverse in part.

King, J.

We concur: Richli, Acting P.J., Gaut, J.

*CERTIFIED FOR PUBLICATION

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 21, 2004**

**E034167 In re Steve C. et al., Persons Coming Under the Juvenile Court Law.
Department of Children's Services v. Deanna G. Opinion**
Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: Richli, J., King, J.

**E034399 In re Briana T. et al., Persons Coming Under the Juvenile Court Law.
Department of Children's Services v. Christy Z. Opinion**
Judgment affirmed.
King, J.
We concur: Ramirez, P.J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 22, 2004**

- E034661 Nancy V. v. San Bernardino County Superior Court;
Department of Children's Services Opinion**
Petition Denied.
McKinster, Acting P.J.
We concur: Ward, J., Gaut, J.
- E030988 Estate of Guadalupe G. Del Castillo, Deceased
Robert Del Castillo v. Albert Del Castillo; Patricia Lobello Opinion**
Judgment affirmed.
Ward, J.
We concur: Ramirez, P.J., Gaut, J.
- E034785 Jason G. et al. v. San Bernardino Superior Court; Department of Children's
Services Opinion**
Petition Denied.
Hollenhorst, Acting P.J.
We concur: Richli, J., King, J.
- E033918 People v. Alberto Gonzalez Opinion**
Judgment affirmed.
McKinster, Acting P.J.
We concur: Richli, J., Ward, J.
- E033113 People v. Claudio Enrique Arana Opinion**
Judgment affirmed.
Gaut, J.
We concur: Ramirez, P.J., King, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 23, 2004**

- E034468 People v. Robert Velasquez Colon Opinion**
Judgment reversed and remanded with directions.
Ward, J.
We concur: McKinster, Acting P.J., Richli, J.
- E033945 People v. Daniel Wayne White Opinion**
Judgment affirmed.
Richli, J.
We concur: Ramirez, P.J., King, J.
- E034110 People v. Alan Keith Luckey Opinion**
Judgment reversed with directions.
McKinster, Acting P.J.
We concur: Richli, J., Ward, J.
- E034562 In re Martin O., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Jessica V. Opinion**
Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: Richli, J., King, J.
- E032091 People v. James Harold Powell, III Opinion**
Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: Richli, J., King, J.
- E033242 People v. Alistar Insurance Company et al. Modification of Opinion**
No change in judgment.
It is so ordered that said opinion filed December 31, 2003, be certified for publication pursuant to California Rules of Court, Rule 976.
Gaut, J.
We concur: Richli, Acting P.J., King, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 26, 2004**

- | | | |
|----------------|---|----------------|
| E032880 | Sunset Drive Corporation v. City of Redlands et al.
Judgment reversed and remanded.
McKinster, J.
We concur: Ramirez, P.J., Hollenhorst, J. | Opinion |
|
 | | |
| E032038 | People v. Michael Eugene Kuhn
Affirmed with directions
Richli, J.
We concur: Ramirez, P.J., King, J. | Opinion |
|
 | | |
| E033634 | Neil Crowley et al. v. Westside City I, LLC et al.
Judgment affirmed.
Gaut, J.
We concur: Ramirez, P.J., McKinster, J. | Opinion |
|
 | | |
| E033230 | People v. Leona O'Neill Bordeau
Judgment affirmed.
Richli, J.
We concur: McKinster, Acting P.J., Ward, J. | Opinion |
|
 | | |
| E032850 | People v. Dumont Raymond Buckendorf
Judgment affirmed. | Opinion |
| | E034030 In re Dumont Raymond Buckendorf on Habeas Corpus.
Petition denied.
Gaut, J.
We concur: Ramirez, P.J., King, J. | |

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 27, 2004**

E033325 Ofelia Herrera v. Rossy Martinez et al.

Opinion

Judgment affirmed.

Gaut, J.

We concur: Ramirez, P.J., Ward, J.

E033561 People v. Donny D. Waggoner

Opinion

Judgment affirmed in part, reversed in part.

Gaut, J.

We concur: Ramirez, P.J., King, J.

**E034821 Felicitas V. v. Superior Court of the County of San Bernardino; Department
of Children's Services**

Opinion

Petition Denied.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 28, 2004**

Court convened at 8:30am

Panel 1

Present:

Ramirez, P.J.

Ward, J.

Gaut, J.

Steven McElroy, Deputy Clerk

E031014 City of Riverside v. Outdoor Media Group

Cause called and Paul E. Fisher, Esq., argued on behalf of himself in pro per, William Vogler, Esq., argued on behalf of Bradley Jensen. Jeffrey A. Tidus, Esq., argued on behalf of Outdoor Media Group et al., Timothy Coates, Esq., argued on behalf of City of Riverside et al..

Court adjourned.

E032988 People v. Michael Scott Frize

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Gaut, J., King, J.

E030977 Randall J. Lopez et al. v. Wendy Rashidi et al.

Opinion

Judgment reversed.

Richli, J.

I concur: Ramirez, P.J.,

I dissent: Ward, J.

E033527 People v. Jose G. Venegas

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Ward, J.

E033176 People v. Maurice M. Barton

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Gaut, J., King, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 29, 2004**

E033412 People v. Eddie Castillo

Opinion

Judgment affirmed.

E034393 In re Eddie Castillo on Habeas Corpus

Petition denied.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
January 30, 2004**

No Minutes for January 30, 2004.